THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

-

WRIT PETITION NOS. 22848, 22855 AND 23348 OF 2005

Dated: 15.6.2007

Between:
The Secretary to Government, Finance and
Planning Department, Secretaariat, Hyderabad and others.

..... PETITIONERS

AND

B. Ramaswamy and others.

...

RESPONDENTS

HON'BLE SMT. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

–

WRIT PETITION NOS. 22848, 22855 and 23348 of 2005

COMMON ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

Since the issue involved in all these petitions being the same, these three writ petitions are clubbed and disposed of by this common order.

These three Writ Petitions filed by the Department are directed against the order of the Lok Adalat for Andhra Pradesh Administrative Tribunal Cases, dated 12.6.2001 passed in O.A. Nos. 1938 of 2000, 2806/2000 and 3160 of 2000 and the order dated 13.2.2004 of the A.P. Administrative Tribunal in M.A. Nos. 2359, 2360 and 2361 of 2003, respectively.

The facts in nutshell are that the respondents herein were working as daily wages employees in the Municipal Corporation. While so, they filed the aforementioned O.As. before the A.P. Administrative Tribunal seeking regularization of their services with all consequential benefits. Subsequently, the matters were referred to LokAdalat. The Lok Adalat, by the order impugned in these writ petitions, dated 12.6.2001, while following its earlier rendered in M.A. No. 595 in O.A. No. 3010 of 1998, disposed of the O.As. directing the Department to release the periodical increments due to the applicants from the date of fixation of minimum time scale within a period of three weeks from the date of receipt of a copy of that order. Subsequently, the applicants filed M.A. Nos. 2359, 2360 and 2361 of 2003 before the

Tribunal seeking a direction to the respondent authorities to implement the common order dated 12.6.2001 passed by the Lok Adalat in the above O.As. By order dated 13.2.2004, the Tribunal disposed of those M.As. directing the authorities to implement the order dated 12.6.2001 passed by the Lok Adalat within a period of three months from the date of receipt of a copy of the said order. Aggrieved by the same, the Government filed these writ petitions.

Sri J. Sudhir, learned counsel appearing on behalf of the Advocate General, would submit that the impugned Awards passed by the Tribunal on 12.6.2001 cannot be termed as Awards under Section 21 of the Legal Services Authority Act since they have not been signed by the applicants as well as the respective counsel appearing for the respondents in the O.As. He further submits that since the Awards have been passed without obtaining the consent of the Government, behind its back, they are liable to be set aside.

Sri P. Raghavendra Reddy, learned counsel appearing on behalf of the respondents-applicants on the other hand submitted that the Awards have been signed by the counsel appearing for the parties and not by the applicants and as many as 250 Awards have been passed by the Lok Adalat in such a fashion and it is the practice in vogue in Lok Advalat and there is no complaint whatsoever till now.

At this stage, learned counsel appearing for the petitioners would submit that when the Government filed S.L.Ps. before the Supreme Court against the judgment of the Tribunal in the O.As. filed by the various applicants, the Supreme Court while setting aside the order of the Tribunal, directed that the cases of the N.M.Rs should be considered for regularization on the basis of the guidelines prescribed in G.O.Ms. No.212, dated 22.4.1994.

In view of the fact that the impugned Awards have not been signed by the respective parties and the Government Pleaders, we

modify the orders of the Tribunal impugned in these writ petitions and direct the Department to follow the directives issued by the Apex Court in I.A. No. 11-15/94, in Civil Appeal Nos. 127-131/94, dt. 13/5/1994 and 9.9.1994, while considering the cases of the applicants for regularization of their services and as per the guidelines prescribed in G.O. Ms. No.212, Finance Department, dated 22.4.1994.

At this stage, learned counsel for the respondents would submit that in most of the cases periodical increments have been granted to the respondents. In the circumstances, there shall be a direction to the Department to consider the cases of the applicants for grant of periodical increments strictly in accordance with the rules and if such periodical increments have been granted to any of the other NMRs. This exercise shall be completed by the Department within a period of six months.

We, however, make it clear that the respondents are not entitled for any arrears of pay.

The writ petitions are accordingly allowed to the extent indicated above. No costs.

_____

T. Meena Kumari,J

Date: 15.6.2007

_____

G. Chandraiah, J

pnb